



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
08/581,191	12/29/95	CHEN	

APPLIED EASTOMERICS INC
1336 ONYX STAD BOULEVARD
PACIFICA CA 94044

18M2/0603

EXAMINER

LILLING, H

ART UNIT PAPER NUMBER

1808

DATE MAILED:

06/08/97

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 9-27-96 8-5-96 8-8-96 5-15-97

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-2 is/are pending in the application.
Of the above, claim(s) _____ is/are withdrawn from consideration.
☐ Claim(s) _____ is/are allowed.
☒ Claim(s) 1-2 is/are rejected.
☐ Claim(s) _____ is/are objected to.
☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
☐ The specification is objected to by the Examiner.
☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.
☐ received in Application No. (Series Code/Serial Number) _____
☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 5(12/29/95) 6 (199)
☐ Interview Summary, PTO-413
☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
☐ Notice of Informal Patent Application, PTO-152

See Nov 8/581,191

--SEE OFFICE ACTION ON THE FOLLOWING PAGES--

15. Receipt is acknowledged of the preliminary amendment filed September 27, 1996, two prior art information disclosure statements filed August 05 & 08, 1996 and the letter of May 15, 1997.

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16. Claims 1-2 are present in the instant application.

17. Applicant should be knowledgeable of the fact that this application was filed December 29, 1995 and that the term of any
10 patented file will be dependent upon the filing date of the earliest filed application.

18. The following is a quotation of 35 U.S.C. 103(a) which
15 forms the basis for all obviousness rejections set forth in this Office action:

20 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

25 Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen U.S. 5,508,334 (see column 4) whereby it would be prima facie obvious to add additional additives, stearic acid and waxes in view of the reference disclosure that the high

viscosity triblock copolymers in combination with process oils can contain these additives which would not affect the desired properties of the composition; or Chen U.S. 5,336,708; Chen 5,475,890; Chen 5,239,723 or Chen U.S. 4,618,213.

5 Each of the references teaches that minor amounts of additional conventional additives may be added to the high viscosity triblock copolymer compositions containing the process oils which disclosures render the claims obvious in the absence of unexpected or unobvious results for the broad claimed compositions.

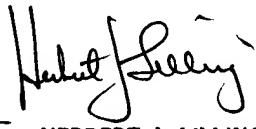
10 Amendment to the claims with regards to the alleged unexpected results as indicated for the specific ratios of (c) and (d) will be considered with arguments for patentability over the cited references.

15 19. No claim is allowed.

20 20. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lilling whose telephone number is (703) 308-2034 and fax number (Art Unit 1808) is (703) 305-7401. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

H.J.Lilling: HJL
(703) 308-2034
Art Unit 1808
June 03, 1997


HERBERT J. LILLING
PATENT EXAMINER
GROUP 150 - ART UNIT 150